IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.27833 of 2008
GUDDU MISTRY@ GUDDU MISTIRY
Versus
STATE OF BIHAR
---

2. 18.8.2008 Heard.

The petitioner was found in possession of a country made rifle loaded with a cartridge and accordingly the weapon was seized and the seizure memo was prepared.

The contention is that as per the FIR as also per seizure memo the recovery was made earlier to drawing up of the FIR at 9.15 P.M. However, the case number with all details appears at the top of the document. The further contention is that it could be a case of fabrication. The third contention is that the petitioner is in custody since 31.3.2008, for about five months. The photo copy of the memo has been produced as part of the FIR which is Annexure-1 to the present petition and that bears out with the submission that the number of case and other details are appearing at the top of the document but one could very well appreciate the probability that the officer after drawing up the FIR could have put the number for identification so as to not putting it on the record of other case of similar nature. This petitioner was found definitely in possession of the weapons and he himself acknowledged the recovery of the same while putting his signature on the seizure memo, considering which, the petition is dismissed.

WEB COPY NOT OFFICIAL

However, as soon as the petitioner completes one year of confinement from the first date of his remand in **Ghosi P.S.Case no.59 of 2008** the **C.J.M. Jehanabad** shall release him on bail on execution of a bond of his own satisfaction.

(Dharnidhar Jha, J.)

B.Kr.